

Forest Land- Yavatmal.

Diversion of 0.1634 ha. of Forest land under Forest (Conservation) Act, 1980 in favour of M/s. Dinesh Engineers Limited, Navi Mumbai for laying of underground Optical Fiber Cable line.

**Government of Maharashtra
Revenue and Forest Department
Government Order No. FLD-2020/C.R.161/F-10
Mantralaya, Mumbai-400 032.
Date: 06.01.2021**

Read:-

- 1) Ministry of Environment, Forest & Climate Change, Govt. of India, Letter No. 5-2/2017-FC, Dt.28.03.2019
- 2) Additional Principal Chief Conservator of Forests & Nodal Officer, Maharashtra State, Nagpur, Letter No.Desk-17/NC/I/ID.12805/442/2020-21, Dt.01.09.2020.
- 3) Ministry of Environment, Forest & Climate Change, Govt. of India, Letter No. FC-11/165/2019-FC, Dt.27.07.2020

Preamble:-

The Additional Principal Chief Conservator of Forests & Nodal Officer, Maharashtra State, Nagpur, vide letter under reference No.2 has submitted a proposal for diversion of 0.1634 ha. Reserved Forest land for laying underground Optical Fibre Cable line in favour of M/s. Dinesh Engineers Limited, Navi Mumbai from Yavatmal to Ner road (MSH-14) passing through forest area in villages Lohara, Malkhed and Ner of Yavatmal Forest Division. After careful consideration and scrutiny of the proposal, the Government is pleased to grant in-principle approval as under-

Order:-

In exercise of powers under general approval granted by the Central Government, vide MoEF&CC, Government of India's Handbook of Guidelines for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980 [Para-3.5, 4.1 & 4.2, Letter under reference No.3] Government of Maharashtra is pleased to grant '**in-principle**' approval to the diversion of 0.1634 ha. of Reserved Forest land in favour of M/s. Dinesh Engineers Limited, Navi Mumbai for laying underground Optical Fiber Cable line from Yavatmal to Ner road (MSH-14) passing through forest area in villages Lohara, Malkhed and Ner of Yavatmal Forest Division. Details of Forest Land are as under-

Sr. No.	Item	Village	Survey No. / Gut No.	Compt. No.	Area (in ha.)	Legal Status
1.	Laying of underground Optical Fiber Cable line along the RoW of existing road.	Lohara	59/1	465	0.08	Reserve Forest
2.		Malkhed	28,29,30	420	0.0468	
3.		Ner (Nawabpur)	82,92,104, 105/1,106/1	425, 426	0.0366	
	Total Forest Area (in ha.)				0.1634	

2. This in-principle approval is issued subject to the following conditions-

- 1) The legal status of the land shall remain unchanged.
- 2) The Optical Fiber Cable Line shall be laid within maximum trench size of 2.00 meters depth & 1.00 meter width under the PVC pipeline / duct.

- 3) The land under project will be reclaimed by the User Agency for which the agency shall submit a bank guarantee at the rate of Rs.50/- per running meter and an undertaking to that effect shall also be submitted. If the agency fails to reclaim the land to the satisfaction of Deputy Conservator of Forests concerned, the cost for reclamation will be covered from the bank guarantee.
- 4) If the cable is going to be laid in the formation width of the road, then additional charges in form of bank guarantee shall be given at the rate of Rs.35/- per running meter. Similarly for reclamation of side drain and for tarred portion, the guarantee will be at the cost of Rs.300/- per meter and Rs.750/- per meter respectively. An undertaking shall be obtained from the User Agency that it has agreed to make good any loss to Forest/ Environment while laying the cable in the forest area and during maintenance of the same in future. For further maintenance of the project, the agency shall obtain permission from the concerned Deputy Conservator of Forests as and when required.
- 5) The forest land shall not be used for any purpose other than specified in the proposal.
- 6) No felling of trees shall done during the implementation of project.
- 7) The User Agency will be authorized to lay the Optical Fiber Cable only outside the confines of the Protected Area after compliance of this order. Any breach of conditions by the User Agency will be treated as violation of the provisions of Forest (Conservation) Act, 1980.
- 8) **No new forest area beyond the Right of Way of existing road should be broken for laying Optical Fiber Cable.**
- 9) No labour camps shall be established on the forest land.
- 10) The layout plan of the proposal shall not be changed without prior approval of the State Government.
- 11) The sanction will be subject to final clearance as per the directives issued by the Govt. of India, Ministry of Communications and IT department of telecommunication vide letter No. 222/2008, Dt.19.09.2008 and concerned PWD authorities of the project.
- 12) **The User Agency will reclaim the area under RoW suitably after use / maintenance.**
- 13) The User Agency shall obtain Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, if applicable.
- 14) The User Agency will make the land good.
- 15) MoEF&CC, Govt. of India has exempted the cost of Net Present Value & Compensatory Afforestation for laying of underground Optical Fiber Cable. Hence, the cost of Net Present Value & Compensatory Afforestation may not be insisted upon.
- 16) The User Agency shall agree to make good any loss to Forest /Environment.
- 17) The User Agency will seek permission from the concerned Range Forest Officer for carrying out any maintenance.
- 18) The work should be carried out manually instead of machines to avoid damage to tree roots.
- 19) The User Agency shall compensate the private owner of forest land if any, in accordance with the prevalent laws, rules & guidelines.
- 20) All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied by the User Agency.
- 21) All the conditions stipulated by the Forest Department shall be binding on User Agency.

22) The Final approval shall be granted by the State Government after fulfilment of the above conditions by the User Agency.

This Government Order of Maharashtra Government is available on its website www.maharashtra.gov.in with Reference No. 202101061731171519. This order has been signed digitally.

By order and in the name of the Governor of Maharashtra,

(Arvind Apte)

Chief Conservator of Forests (Mantralaya)

Copy to:

1. Secretary, Ministry of Environment, Forests & Climate Change, Government of India, New Delhi
2. Deputy Director General of Forests (Central), Ministry of Environment, Forests & Climate Change, Government of India, Regional Office, Western Region, Nagpur.
3. Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur
4. Additional Principal Chief Conservator of Forests and Nodal Officer, Nagpur.
5. Additional Principal Chief Conservator of Forests (Conservation), Nagpur.
6. Chief Conservator of Forests (Territorial), Yavatmal.
7. Collector, Yavatmal.
8. Chief Executive Officer, Zilha Parishad, Yavatmal.
9. Deputy Conservator of Forests, Yavatmal.
10. M/s. Dinesh Engineers Limited, Navi Mumbai.
11. Select File, Desk F-10.